



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## AGENDA

**Monday, August 17, 2009**

*Commissioner Deidre Malone, Chairman  
Commissioner Joyce Avery, Chairman Pro Tempore  
Commissioner Henri E. Brooks  
Commissioner Wyatt Bunker  
Commissioner Mike Carpenter  
Commissioner Sidney Chism  
Commissioner George Flinn*

*Commissioner Joe Ford  
Commissioner J.W. Gibson II  
Commissioner James Harvey  
Commissioner Matt Kuhn  
Commissioner Steve Mulroy  
Commissioner Mike Ritz*

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8/14/2009 2:24 PM

**1:30 PM**

**COMMISSION CONVENES**

**CALL TO ORDER**

**Chairman Deidre Malone**

**OPENING OF THE COMMISSION**

**Deputy Sheriff**

**INVOCATION**

**Reverend Keith Norman, Senior  
Pastor  
First Baptist Church-Broad**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Session  
June 15, 2009**

**CONSENT AGENDA**

### Resolutions of Memorial, Sympathy and Commendation

1. Resolution of the Shelby County Board of Commissioners honoring Benjamin H. Orgel as an outstanding young citizen of Shelby County. Sponsored by Commissioner Mike Ritz.

### Ordinances

#### **HARVEY**

Chairman, Economic  
Development  
Committee

2. [ORDINANCE - SECOND READING - An Ordinance amending Part 2, Chapter 16, Article VI, Section 135 of the Code of Ordinances of Shelby County, Tennessee to decrease the membership of the Board of Directors of the Center City Commission. Sponsored by Chairman Deidre Malone. \(AMENDED IN COMMITTEE 8/12/09\)](#)

#### **FORD**

Chairman, General  
Government  
Committee

3. [ORDINANCE - FIRST READING - An ordinance to adopt Supplement No. 36 to the Code of Ordinances of Shelby County, Tennessee. Sponsored by Commissioner Joe Ford.](#)

#### **FORD**

Chairman, General  
Government  
Committee

4. [ORDINANCE - SECOND READING - An Ordinance approving and setting the salary and expense account for members of the Board of County Commissioners for the 2010-2014 term of office. Sponsored by Commissioner Joe Ford.](#)

#### **FORD**

Chairman, General  
Government  
Committee

5. [ORDINANCE - SECOND READING - An Ordinance approving and setting the salary of the Mayor of Shelby County for the 2010-2014 term of office. Sponsored by Commissioner Joe Ford.](#)

### Zoning and Subdivisions

#### **RITZ**

Chairman, Land Use  
Committee

6. [Resolution to release the bond that secured the improvements to Laurel Tree II P.D. \(P.D. 05-326 CC\) Sponsored by Commissioner Mike Ritz.](#)

### Reports and/or Resolutions for Standing Committees

**GIBSON**

Chairman, Budget and  
Finance Committee

7. Resolution to receive and file the Trustee's annual report of delinquent and insolvent taxpayers in accordance with T.C.A. Section 76-5-1903 and to authorize credit be given to the trustee. Sponsored by Chairman Deidre Malone.

**GIBSON**

Chairman, Budget and  
Finance Committee

8. Resolution to receive and file the Trustee's annual financial report for the year ended June 30, 2009 in accordance with T.C.A. Section 67-5-1902. Sponsored by Chairman Deidre Malone.

**BUNKER**

Chairman, Public  
Works Committee

9. A resolution approving a grant contract with the Tennessee Department of Transportation (TDOT) in the amount of \$1,731,519.00 in Federal funds and \$432,880.00 in County matching funds for a total contract amount of \$2,164,399.00 for asphalt resurfacing of Shelby County Roads, Amending the FY 2009-2010 Operating Budget, and appropriating said funds. This resolution requires the expenditure of Federal grant funds in the amount of \$1,731,519.00 and County matching funds in the amount of \$432,880.00 for a total expenditure of \$2,164,399.00 from the FY 2009-2010 Operating Budget. Sponsored by Commissioner Wyatt Bunker.

**CHISM**

Chairman, Law  
Enforcement  
Committee

10. Resolution accepting drug treatment and recovery support services from The Healing Arts Research Training Center, LLC (Hart) for inmates at the Division of Corrections. This resolution does not require the expenditure of funds. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

11. Resolution amending The FY10 Budget for the Fatherhood 2 Program Grant from the U S Department of Health and Human Services. This resolution allows the expenditure of \$66,374.00 from the Fatherhood 2 Grant Fund. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

12. Resolution amending The FY10 Budget for the Fatherhood 5 Program Grant from the U S Department of Health and Human Services to carry forward unspent grant funds from FY09. This resolution allows the expenditure of \$88,534.00 from the Fatherhood 5 Grant Fund. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

13. Resolution amending the FY 2009-2010 Operating Budget of the Juvenile Court of Memphis and Shelby County and amending the Position Control Budget to carry forward remaining grant funds from the Supreme Court of Tennessee Administrative Office of the Courts for the Child Support Mediation Program in the amount of \$3,577.00 and appropriate said funds. This item requires expenditure of State Grant Funds in the amount of \$3,577.00. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

14. Resolution amending the FY 2009-2010 Operating Budget of the Juvenile Court of Memphis and Shelby County to carry forward remaining Justice Assistance Grant Funds in the amount of \$22,291.00 for the provision of computer system enhancements and supplies and to appropriate said funds. This item requires expenditure of Federal Grant Funds in the amount of \$22,291.00. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

15. Resolution amending the FY 2009-2010 Operating Budget of the Juvenile Court of Memphis and Shelby County to carry forward remaining Juvenile Accountability Block Grant Funds in the amount of \$20,494.00 for the provision of computer system enhancements and supplies and to appropriate said funds. This item requires expenditure of Federal through State Grant Funds in the amount of \$18,445.00 and local County Matching Funds of \$2,049.00. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

16. Resolution authorizing the Office of the District Attorney General to accept and expend \$112,418 awarded for the Shelby County Project Safe Neighborhoods initiative from the Department of Justice, Office of Justice Programs, to amend the FY 2009-2010 Shelby County Operating Budget, and appropriate said funds. This item requires expenditure of Federal Grant Funds in the amount of \$112,418. Sponsored by Commissioner Sidney Chism.

**FLINN**

Chairman, Community  
Services Committee

17. Resolution to accept Federal grant funds in the amount of \$2,255,639.00 for the Head Start program and to amend the FY2009-10 Operating Budget and personnel complement. This item requires expenditure of Federal Grant Funds in the amount of \$2,255,639.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

18. A Resolution amending the FY10 budget in the amount of \$1,981,692.00 to allow maximum expenditure of grant funds from the 2006 and 2008 Edward Byrne Memorial Justice Assistance Grants, the U. S Department of Justice Targeting Violent Crime grant, and the U. S. Department of Justice Grant for the Enforcement of Protection Orders, all previously approved by the Shelby County Board of Commissioners. This item requires expenditure of grant funds in the amount of \$1,981,692.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

19. Resolution amending the FY 2010 Operating Budget for a U.S. Department of Justice Grant in the amount of \$4,875,039.00 for Recovery Act Edward Byrne Memorial Justice Assistance Program for the period of March 1, 2009 through February 28, 2013. This item requires expenditures of U.S. Department of Justice Recovery Act Grant Funds in the amount of \$4,875,039.00 in FY 2010. Sponsored by Commissioner George Flinn.  
(AMENDED IN COMMITTEE 8/12/09)

**FLINN**

Chairman, Community  
Services Committee

20. Resolution amending the FY 2010 Operating Budget in the amount of \$216,667.00 for the provision of detoxification services at the Southeast Mental Health Center Crisis Assessment Center. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

21. Resolution amending the FY 2010 Operating Budget for a grant from the State of Tennessee in the amount of \$160,965.00 for a collaborative reentry initiative with the Shelby County Division of Corrections and the Shelby County Sheriff's Office for the period of July 1, 2009 through June 30, 2011. This item requires expenditure of State Recovery Act Grant Funds in the amount of \$160,965.00. Sponsored by Commissioner George Flinn.

**CARPENTER**

Chairman,  
Conservation  
Committee

22. Resolution approving management and operation agreement for Lowrance Road Park between Shelby County Government, Shelby County Schools, and Memphis Soccer Education, Inc. Sponsored by Commissioner Mike Carpenter. (DEFERRED TO 8/31/09)

**KUHN**

Chairman, Delinquent  
Tax Property  
Committee

23. Resolution approving the sale of thirteen (13) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0005, 82.2, 0104, 0203, 0402, 0403, 0404, 0405, and 0406, to identified purchasers at various prices collectively totaling \$48,800.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Matt Kuhn

**KUHN**

Chairman, Delinquent  
Tax Property  
Committee

24. A resolution approving the conveyance of thirteen (13) improved parcels of county owned Delinquent Tax Property To Rangeline Neighborhood Community Development Corporation, a Tennessee not-for-profit corporation, for nominal consideration; and to authorize the Mayor to execute Quit Claim Deeds conveying said parcels to Rangeline Neighborhood Community Development Corporation, a Tennessee not-for-profit corporation, for its use in developing low income single family housing that will be owner occupied. Sponsored by Commissioner Matt Kuhn.

**KUHN**

Chairman, Delinquent  
Tax Property  
Committee

25. Resolution approving the conveyance of two (2) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 55 And 98.2 to Habitat for Humanity of Greater Memphis, Inc., a Tennessee not-for-profit Corporation, for nominal consideration, pursuant to T.C.A. §67-5-2509(D)(2) and authorizing the Shelby County Mayor to execute a Quit Claim Deed. Sponsored by Commissioner Matt Kuhn.

**KUHN**

Chairman, Delinquent  
Tax Property  
Committee

26. A resolution approving the sale of eight (8) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 97.1, 0204, 0304, 0403, 0404, 0405, and 0406, to identified purchasers at various prices collectively totaling \$52,000.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Matt Kuhn.

## ***REGULAR AGENDA***

### **Elections, Appointments, and Confirmations**

**FORD**

Chairman, General  
Government  
Committee

27. Resolution approving the County Mayor's nomination of Julie Raines, Johnnie Turner, and David Peck for joint City-County reappointment to the New Memphis Arena Public Building Authority of Memphis and Shelby County, Tennessee. Sponsored by Commissioner Joe Ford. (DEFERRED TO 8/31/09)

**FORD**

Chairman, General  
Government  
Committee

28. [Resolution approving the County Mayor's nomination of Jerry L. Edmonds for reappointment to the Shelby County Health, Education and Housing Facility Board. Sponsored by Joe Ford.](#)

**FORD**

Chairman, General  
Government  
Committee

29. [Resolution approving the County Mayor's nomination of Olliette Murry-Drobot and Steven H. McCleskey for appointment to the Shelby County Ethics Commission. Sponsored by Commissioner Joe Ford.](#)

**FORD**

Chairman, General  
Government  
Committee

30. [Resolution approving the County Mayor's nomination of Greg Taylor for reappointment and Luke T. Connable, Jr., Odell Johnson, Jr. and William M. Hunt for appointment to the Memphis and Shelby County Cross Connection Board. Sponsored by Commissioner Joe Ford. \(DEFERRED TO 8/31/09\)](#)

**FORD**

Chairman, General  
Government  
Committee

31. [Resolution approving the County Mayor's nomination of Carlos Broady and Sherri Sawyer for appointment to the Memphis and Shelby County Music Commission. Sponsored by Commissioner Joe Ford.](#)

**FORD**

Chairman, General  
Government  
Committee

32. [Resolution approving Brandy Johnson-Ward for joint City-County appointment to the Memphis and Shelby County Center City Revenue Finance Corporation. Sponsored by Commissioner Joe Ford. \(DEFERRED TO 8/31/09\)](#)

**FORD**

Chairman, General  
Government  
Committee

33. [Resolution approving the election of notaries public for appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner Joe Ford.](#)

**Ordinances****CHISM**

Chairman, Law  
Enforcement  
Committee

34. [ORDINANCE - THIRD READING - An Ordinance to amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County, Tennessee, relative to security alarm services. Sponsored by Commission Sidney Chism.](#)



## Zoning and Subdivisions

**RITZ**

Chairman, Land Use  
Committee

**35. CASE NO. P.D. 09-309 CC**

**APPLICANT:** Tower Ventures, LLC (Bill Orgel)

**LOCATION:** Northeast corner of Lowrance Road;  
+/-331.38 feet east of Stansell Court

**REQUEST:** Communication Tower (190 feet tall)

**RECOMMENDATIONS:**

Memphis and Shelby County Office of Planning and  
Development:

**APPROVAL WITH CONDITIONS**

Memphis and Shelby County Land Use Control  
Board:

**APPROVAL WITH CONDITIONS**

(Notice of public hearing published in the Daily  
News on Friday, August 7, 2009.)

**RITZ**

Chairman, Land Use  
Committee

**36. CASE NO. S.N.C. 09-801 CO**

**APPLICANT:** Shelby County Government

**LOCATION:** Beginning at Raleigh LaGrange Road  
and extending south to North Houston Levee Road

**REQUEST:** Street name change from Houston  
Levee Road to Houston Hill Road due to potential  
for duplicate addresses and confusion to the  
motoring public and various delivery and  
emergency services with the recent opening of the  
new segment of relocated Houston Levee Road one  
half mile west.

**RECOMMENDATIONS:**

Memphis and Shelby County Office of Planning and  
Development:

**APPROVAL WITH CONDITIONS**

Memphis and Shelby County Land Use Control  
Board:

**APPROVAL WITH CONDITIONS**

(No notice of public hearing in newspaper of  
general circulation require; however, notice letters  
to interested property owners mailed on Friday,  
August 7, 2009.)

## Reports and/or Resolutions for Standing Committees

**GIBSON**

Chairman, Budget and  
Finance Committee

37. Resolution approving the purchase of property insurance for Shelby County Government from Mid South Insurance Office, Inc. through Travelers Indemnity Company for four consecutive periods of one year each beginning September 1, 2009. Sponsored by Commissioner J. W. Gibson.

**GIBSON**

Chairman, Budget and  
Finance Committee

38. Resolution amending the FY 2010 operating budget to transfer \$26,750.00 from Commissioners' Contingency Fund budget, allocating \$17,550.00 to the General Sessions Criminal Court Judges operating budget and \$9,200.000 to the General Sessions Civil Court Judges operating budget for travel related expenses. Sponsored by Chairman Deidre Malone.

**GIBSON**

Chairman, Budget and  
Finance Committee

39. A resolution of the Board of County Commissioners of Shelby County, Tennessee, making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee, of a sum sufficient to pay, as the same shall become due, the interest on and principal amount of not exceeding one hundred twenty million dollars (\$120,000,000) of general obligation public improvement and school bonds, 2009 Series B authorized by an initial resolution adopted by the board of county commissioners of Shelby County, Tennessee, on February 11, 2008 for the purpose of refinancing all or a portion of the county's outstanding capital outlay extendible municipal commercial paper (EMCP) notes, 2008 Series A, previously issued for the purpose of providing funds for public works projects and school purposes in Shelby County, Tennessee; authorizing the use of a preliminary official statement, notice of sale, summary notice of sale and bid forms in connection with the sale of such bonds; authorizing the County Mayor to accept the best bids for the purchase of the bonds; prescribing the maximum interest rate to be borne thereby, the form thereof and certain details relating thereto; authorizing a portion of such bonds to be issued as "Build America Bonds" as designated by the mayor upon advice of the county's financial advisor and Chief Administrative Officer; authorizing the execution and delivery of

an official statement in connection therewith; appointing financial advisors; providing for certain other matters deemed necessary and proper in connection with the issuance of said bonds; authorizing the proper officers to do all things necessary or advisable in connection with the sale of such bonds; and providing an effective date hereof. Sponsored by Commissioner J. W. Gibson.

**GIBSON**

Chairman, Budget and  
Finance Committee

40. Resolution supporting Memphis City Schools and Shelby County Schools application for qualified school construction bonds and committing to accept loan from the State of Tennessee. Sponsored by Chairman Deidre Malone. (ADD-ON IN COMMITTEE 8/12/09)

**BUNKER**

Chairman, Public  
Works Committee

41. Resolution establishing the monthly rate for the storm water user fee for the unincorporated areas of Shelby County and requesting Memphis Light, Gas, and Water Division of the City of Memphis to begin billing customers as provided herein. Sponsored by Commissioner Sidney Chism. (FAILED IN COMMITTEE 8/12/09)

**HARVEY**

Chairman, Economic  
Development  
Committee

42. Resolution declaring the intent of the Shelby County Board of Commissioners to donate the County's interest in the Mid-South Coliseum Arena and the Liberty Bowl real property to the City of Memphis without monetary consideration; requesting the County Mayor's administration seek to facilitate said donation; and authorizing the County Mayor to execute quit claim deeds and other necessary documents. Sponsored by Commissioner Mike Ritz. (FAILED IN COMMITTEE 8/12/09)

**FORD**

Chairman, General  
Government  
Committee

43. Resolution acknowledging the resignation of Paul R. Stanley from the Senate of the Tennessee General Assembly effective August 10, 2009; setting Wednesday, August 26, 2009 as the date for interviewing, and Monday, August 31, 2009 at 1:30 P.M. for electing an interim senator; authorizing the Chairman of the Shelby County Board of Commissioners to publish notice of said election; and directing the Shelby County Attorney to conduct criminal background checks on all candidates for said vacancy. Sponsored by Chairman Deidre Malone. (ADD-ON IN COMMITTEE 8/12/09)

**Announcements/Statements**

44. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of Leigh "Lila" Hood for appointment to the Memphis and Shelby County Music Commission. Sponsored by Commissioner Joe Ford.

**Adjournment**

45. Resolution of adjournment to Monday, August 31, 2009 at 1:30 p.m.